

EXHIBIT AA

Navy SEAL must pay \$4.5M for writing book death of Bin Laden: lawsuit

BY STEPHEN REX BROWN

NEW YORK DAILY NEWS Wednesday, November 5, 2014, 8:37 PM

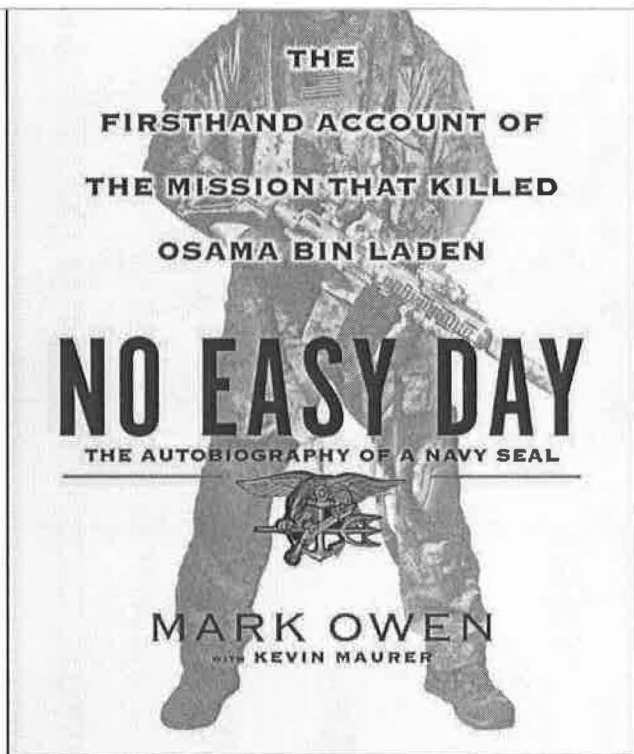


Matt Bissonnette says he owes \$4.5 million to the government for publishing his book, 'No Easy Day,' without permission. (60 MINUTES/CBS NEWS)

The Navy SEAL who wrote a first-hand account of the raid that killed Osama Bin Laden must forfeit \$4.5 million to the government for publishing it without clearance, the shamed warrior revealed in a lawsuit against the lawyer he blames for the predicament.

Matt Bissonnette, who wrote using the pen name Mark Owen, sued attorney Kevin Podlaski Wednesday for \$8 million for allegedly advising him that he need not submit the manuscript of "No Easy Day" to the Department of Defense for review.

Podlaski claimed to have government clearance that allowed him to review documents for classified information, Owen charges in documents filed in Manhattan Federal Court.



1 | 2

The author of 'No Easy Day' says his lawyer wrongly advised him that he did not need to submit the book to the Department of Defense for review prior to

(-AFP/GETTY IMAGES)

“The task (Podlaski) purported to undertake for the benefit of plaintiff and his writing team was absolutely contrary to law and doomed to failure from the start,” documents read.

Podlaski “had no legal right to substitute his judgment for that of the Department of Defense or other agencies of the United States

as to what is considered classified or otherwise sensitive information,” the papers charge.

The debacle forced Bissonnette to enter into a negotiated settlement with the government forfeiting “the majority of all income he has received from his book as well as all future income he otherwise would have received,” according to documents.

Bissonnette, who also lost movie rights to the book, has suffered damages to his reputation that affected future speaking engagements and sales of his upcoming book, “No Hero,” he claims.

“His reputation and his exemplary military record (have been) tarnished by the false accusation that he sought to profit from disclosure of classified or otherwise sensitive information,” court documents read.

Podlaski could not be reached. The Department of Justice did not immediately respond to Bissonnette’s statement that he’d reached a settlement with the feds.

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The Navy Seal Who Wrote A Book About The Bin Laden Raid Is Suing His Lawyers For \$8 Million



Larry Neumeister, Associated Press

Nov. 6, 2014, 11:10 AM 3,060

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A former Navy SEAL who wrote a book describing the raid that killed Osama bin Laden sued his former lawyers Wednesday for malpractice, saying they gave him bad advice that tarnished his reputation, cost him his security clearance and caused him to surrender much of the book's income to the government.

Using the pseudonym "Mark Owen" that he published the book under, Matt Bissonnette filed the lawsuit in federal court in Manhattan. His 2012 book, "No Easy Day," prompted a Pentagon inquiry that evolved into a criminal probe by the Justice Department.



Matt Bissonnette, author of "No Easy Day."

CBS News/screenshot

Bissonnette seeks unspecified

compensatory damages, saying his losses will amount to at least \$8 million after he agreed to surrender most of the book's proceeds. He said he also will lose consulting jobs, speaking engagements and future employment.

Named as defendants were attorney Kevin Podlaski and the Carson

Boxberger LLC firm in Fort Wayne, Indiana. Messages seeking comment were not immediately returned.

Bissonnette said he acted on the advice of his former lawyers when he did not let the Department of Defense and other governmental agencies perform a pre-publication review of his book and when he relied on their advice that they had reviewed the book and removed all classified and sensitive information.

The lawsuit said Bissonnette decided to write the book after realizing that others who did not know the accurate facts were writing about and discussing the daring May 2011 raid by SEAL Team 6 in Pakistan that resulted in the killing of the head of al-Qaida and inspiration behind the Sept. 11, 2001, terrorist attacks.

According to the lawsuit, Bissonnette always had intended to donate a substantial portion of proceeds from the book to charity and was always aware that the disclosure of sensitive information could put other SEALs in danger.

"He was devoted to not disclosing anything he thought could be used by America's enemies. To insure he complied with all his obligations of confidentiality, he sought out legal counsel to advise him," the lawsuit said.

He said he was referred to Podlaski and the Boxberger firm by his literary agent and publisher, both located in New York.

The lawsuit noted that Bissonnette referred to Podlaski and the firm when he said in the book that he hired a former special operations attorney to review the manuscript

to ensure no "forbidden topics" were mentioned.

The lawsuit said Bissonnette has agreed as part of a negotiated settlement to forfeit to the U.S. government the majority of all income he has received from the book along with future income. It said the payment to the government has already exceeded \$4.5 million.

According to the lawsuit, Bissonnette will also lose all movie rights and income attributable to those rights, an amount believed to be in excess of \$900,000.

The lawsuit said the controversy has tarnished his reputation and "exemplary military record" by the false accusation that he sought to profit from disclosing military secrets and had cost him his security clearance for not submitting the book for review.

Ex-Navy SEAL sues lawyer, says bad advice about best-selling Osama bin Laden book cost him millions

POSTED NOV 06, 2014 10:50 AM CST

BY MARTHA NEIL

Recently profiled on *60 Minutes*, a former Navy SEAL who wrote a best-selling book about the U.S. government raid that killed Osama Bin Laden wound up being federally investigated, his lawyer says.

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5

The issue: Whether Matt Bissonnette, writing under the pen name "Mark Owen," revealed government secrets in violation of the Espionage Act in his book, *No Easy Day*, attorney Bob Luskin told CBS News.



Now Bissonnette, again using the Mark Owen moniker, has sued his former lawyer for malpractice. He says he was given bad advice about publishing the book without first allowing the feds to review it. That not only cost him his security

clearance and millions in profits and movie rights he forfeited, in order to settle with the U.S. government, but damaged his reputation and hence his future earning potential through speaking engagements and the like, he alleges in the suit.

It was filed Monday in federal court in Manhattan and seeks \$8 million in damages. The Associated Press and the New York Daily News have stories.

Named as defendants are attorney Kevin Podlaski and an Indiana law firm, Carson Boxberger. Indiana Bar Association records show that Podlaski now chairs the litigation department at another Fort Wayne, Indiana, law firm in which he is a partner. He also is a retired member of the U.S. Army Judge Advocate General's Corps.

The defendants did not respond to requests for comment, the articles say, and the Department of Justice was not immediately available to confirm the information provided in the lawsuit about the settlement.

The suit says Podlaski told the plaintiff that he had a government clearance and could review documents for classified information, but that wasn't what the law required, the Daily News reports. Hence, the review by the attorney "doomed to failure from the start," the complaint contends.

Navy SEAL who wrote book on bin Laden raid sues ex-attorneys



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NEW YORK -- A former Navy SEAL who wrote a book describing the raid that killed Osama bin Laden sued his former lawyers Wednesday for malpractice, saying they gave him bad advice that tarnished his reputation, cost him his U.S. security clearance and caused him to surrender much of the book's income to the government.

Using the pseudonym "Mark Owen," the SEAL filed the lawsuit in federal court in Manhattan. His 2012 book, "No Easy Day," prompted a Pentagon inquiry that evolved into a criminal probe by the Justice Department, over whether the book disclosed classified information.

Owen spoke with "60 Minutes" about the book twice, when it was released in 2012 and in an interview that aired just this past Sunday.



"Did I disclose anything that would've put the guys in harm's way? That's absolutely not what I intended to do," Owen told Scott Pelley Sunday. "These are my brothers that I served beside for years. And a lot of them continue to serve. These are guys I had, you know, lived and died next to. These are not guys that I would want to sacrifice their security for any reason."

Play VIDEO

SEAL under fire for writing about bin Laden raid

In the lawsuit, Owen seeks unspecified compensatory damages, saying his losses will amount to at least \$8 million after he agreed to surrender most of the book's proceeds. He said he also will lose consulting jobs, speaking engagements and future employment.

Named as defendants were attorney Kevin Podlaski and the Carson Boxberger LLC firm in Indiana. Messages left by the Associated Press seeking comment were not immediately returned.

Owen said he acted on the advice of his former lawyers when he did not let the Department of Defense and other governmental agencies perform a pre-publication review of his book and when he relied on their advice that they had reviewed the book and removed all classified and sensitive information.



"From the beginning, I've always tried to do the right thing," Owen said on "60 Minutes." "Had we purposely tried to go around what my obligations were, absolutely I should be held accountable. But the fact is I didn't. I hired a lawyer with my own money off to the side because I wanted to do the right thing. I got horrible advice and I've dealt with that for the past two years."

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Did Mark Owen's book "No Easy Day" give away secrets?

The lawsuit said Owen decided to write the book after realizing that others who did not know the accurate facts were writing about and discussing the daring May 2011 raid by SEAL Team 6 in Pakistan that killed the head of al Qaeda, who was the inspiration behind the Sept. 11, 2001, terrorist attacks in the

U.S.

According to the lawsuit, Owen always had intended to donate a substantial portion of proceeds from the book to charity and was always aware that the disclosure of sensitive information could put other SEALs in danger.

"He was devoted to not disclosing anything he thought could be used by America's enemies. To insure he complied with all his obligations of confidentiality, he sought out legal counsel to advise him," the lawsuit said.



Owen said he was referred to Podlaski and the Boxberger firm by his literary agent and publisher, both located in New York.

The lawsuit noted that Owen referred to Podlaski and the firm when he said in the book that he hired a former special operations attorney to review the manuscript to ensure no "forbidden topics" were mentioned.

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USDC INND Case 1:15-cv-00334-SLC document 138-27 filed 10/26/17 page 11 of 15

A "much wiser" Mark Owen speaks out

income he has received from the book, along with future income. It said the payment to the government has already exceeded \$4.5 million.

According to the lawsuit, Owen will also lose all movie rights and income attributable to those rights, an amount believed to be in excess of \$900,000.

The lawsuit said the controversy has tarnished his reputation and "exemplary military record" by the false accusation that he sought to profit from disclosing military secrets and had cost him his security clearance for not submitting the book for review.

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Navy SEAL Author of Bin Laden Raid Book Sues Attorneys for Malpractice

By Joseph Perry | November 10, 2014

Matthew Bissonnette, a former Navy SEAL who wrote the book "No Easy Day," is suing his former lawyers for malpractice.

According to CBS New York, Bissonnette, whose pen name is Mark Owen, alleges that his former attorneys told him that the federal government did not need to perform a pre-publication review of his book, which describes the 2011 raid that killed Osama Bin Laden. He later relied on their advice that they told him they had performed pre-publication review themselves and removed all classified and sensitive government information. Bissonnette alleges that his former attorneys' guidance "prompted a Pentagon inquiry that evolved into a criminal probe by the Justice Department," which "tarnished his reputation, cost him his security clearance and caused him to surrender much of the book's income to the government," as well as ruined his "'exemplary military record' by the false accusation that he sought to profit from disclosing military secrets."

Bissonnette claims he had to forfeit \$4.5 million to the government for following his attorneys' advice and publishing his book without the government's permission.

The former Navy SEAL seeks unspecified compensatory damages, but claims his losses are at least \$8 million, partly because he believes his tarnished reputation will cause him to lose consulting positions, speaking engagements, and other future employment opportunities.

Since book publishers are in the book business, they are not strangers to pre-publication reviews, which are reviews undertaken by attorneys to prevent defamation lawsuits. I have had the privilege of assisting in pre-publication during some of my internships, and it's quite an interesting process, during which an editor will ask an attorney to read a manuscript for any libelous statements. The attorney looks for any false statements of facts or opinions that may be construed as false statements of fact.

Pre-publication review can be implemented for both fiction and non-fiction books; however, from my experience, I have noticed that editors request more non-fiction books for pre-publication review. This may be because non-fiction books are about real events and real people, and reported facts can sometimes also be false. A potentially defamed person can easily point to the words in the story and claim, "I've been defamed. It says so right there in this book." This may be harder in fiction where the author can presumably make anything up, notwithstanding that fiction authors can still be sued for defamation (e.g., a person believes he or she is a particular character that portrays him or her in a false light). Nevertheless, pre-publication review is quite common in book publishing.

USDC IN/ND case 1:15-cr-00334-SLC document 138-27 filed 10/26/17 page 13 of 15

Moreover, when publishers attempt to publish books about the government, there is a second stage to pre-publication review in which the federal government routinely vets manuscripts in order to redact any classified or sensitive information that may harm national security.

Thus, I would like to know why Bissonnette's attorneys supposedly advised him that the government did not need to perform a pre-publication review, especially considering that he participated in the raid that killed Osama Bin Laden and "decided to write the book after realizing that others who did not know the accurate facts were writing about and discussing the daring May 2011 raid by SEAL Team 6 in Pakistan that resulted in the killing of the head of al Qaeda and inspiration behind the Sept. 11, 2001, terrorist attacks." They knew the government would want to make sure that Bissonnette's version of the 2011 raid did not hamper national security, and they had nothing to gain from advising Bissonnette to forgo pre-publication review. Their alleged misstep could easily have been avoided.

I will be eagerly waiting to see what happens in this case.

Indiana lawyer sued by author who detailed mission that killed Osama Bin Laden

POSTED 6:52 PM, NOVEMBER 11, 2014, BY RUSS MCQUAID, UPDATED AT 07:23PM, NOVEMBER 11, 2014

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This is an archived article and the information in the article may be outdated. Please look at the time stamp on the story to see when it was last updated.

INDIANAPOLIS, Ind. (Nov. 11, 2014)-- "No Easy Day: The Firsthand Account of the Mission that Killed Osama Bin Laden" is a bestseller by a former Navy Seal who broke the story of the mission that killed the USA's most wanted terrorist.

It also landed the author in hot water with the Pentagon and now he's suing his former Indiana lawyer for bad advice about not getting Defense Department approval for his manuscript.

Author Mark Owen, who is actually retired Navy Seal Matt Bissonnette, is

"Defendants told Plaintiff...Plaintiff had no obligation to submit the Book to the Department of Defense or any other agency for a pre-publication review," reads the lawsuit filed in Southern District of New York. "Defendants claimed to have special expertise in dealing with military law and special operations issues.

"Defendants apparently did not know what non-disclosure agreements someone in Plaintiff's position would have signed and failed to undertake any efforts to independently verify which secrecy, non-disclosure agreements Plaintiff had executed with the U.S. Government."

The lawsuit alleges the legal strategy, "was absolutely contrary to law and doomed to failure from the start," and put the author into, "a conflict with the U.S. Government that he could not win."

Retired U.S. Army Col. Jim White said he has no sympathy for Owen/Bissonnette.

"When you get that security clearance it clearly states, 'You cannot share this information.' We are vetted, we're investigated, the United States has said, 'We're going to give you information. We're going to trust you with that information and it's understood that you don't share that information.'"

White, a lecturer at IUPUI, said after 30 years in the military he knows that, "you fully understand that you can't share that information. To this day, like those who have served on active duty and those who have been in the military for a long time, I know classified information, but, you just don't share that and that is fully understood and that is just information you take to your grave.

"I'm sure he had operational knowledge. I can tell you that in my time in Iraq I had operational knowledge that I certainly couldn't share with you and can't come back and share with the public."

Robert Shannon, an attorney representing Podlaski and his former law firm, told Fox 59 News, "There are certainly some factual misrepresentations (and) we denied some of those assertions in the lawsuit and my client will prevail."

Owen/Bissonnette claims in his lawsuit that he wrote "No Easy Day" to set the record straight and to benefit the commitment of his fellow Seals and honor the memory of fallen comrades.

Bin Laden was killed during the May 2011 Seal raid in Pakistan